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17 Crawford

18  
19 IN THE UNITED STATES DISTRICT COURT  
20  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
22  
23 SAN JOSE DIVISION

24  
25 **IVAN VERNARD CLEVELAND,**

26 Plaintiff,

27 v.

28 **BEN CURRY, Warden, et al.,**

29 Defendants.

30 C 07-2809 JF (PR)

31 **DEFENDANTS' MOTION  
32 FOR EXTENSION OF TIME  
33 TO FILE DISPOSITIVE  
34 MOTION**

35 Defendants Sather, Abanico, Curry, and Crawford (Defendants) respectfully request a sixty-  
36 day extension of time, up to and including March 31, 2008, in which to file and serve a  
37 dispositive motion.

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44 Defs.' Mot. EOT File Dispositive Mot.

45 *Cleveland v. Curry, et al.*  
46 C 07-2809 JF (PR)

1 As explained fully in the accompanying declaration of counsel, Defendants seek this  
2 extension of time because their counsel has two summary-judgment motions due in February.  
3 Also, documents likely supportive of Defendants' anticipated dispositive motion cannot be  
4 obtained before the date Defendants are presently required to file a dispositive motion. Finally,  
5 when supportive documents arrive, additional time may be required to obtain declarations in  
6 support of the anticipated dispositive motion.

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8 Dated: January 29, 2008

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Respectfully submitted,

10 EDMUND G. BROWN JR.  
11 Attorney General of the State of California  
12 DAVID S. CHANEY  
13 Chief Assistant Attorney General  
14 FRANCES T. GRUNDER  
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Defs.' Mot. EOT File Dispositive Mot.

*Cleveland v. Curry, et al.*  
C 07-2809 JF (PR)

**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Ivan Vernard Cleveland v. Ben Curry, Warden, et al.**

No.: **C 07-2809 JF (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On **January 29, 2008**, I served the attached

**1) DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION**

**2) DECLARATION OF KENNETH T. ROOST IN SUPPORT OF DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION**

**3) [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION**

by placing a true copy thereof enclosed in a sealed envelope with the **California Overnight Service**, addressed as follows:

Ivan Cleveland (H-60545)  
Correctional Training Facility  
5 miles North Highway 101 N  
Soledad, CA 93960  
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **January 29, 2008**, at San Francisco, California.

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R. Panganiban

Declarant

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/S/R. Panganiban

Signature